

BEFORE THE BOARD OF OCCUPATIONAL THERAPY PRACTICE
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the proposed amendment) NOTICE OF PUBLIC HEARING
of ARM 24.165.404 licensure and) ON PROPOSED AMENDMENT
24.165.509 approved instruction)

TO: All Concerned Persons

1. On June 12, 2008, at 10:00 a.m., a public hearing will be held in room B-07, 301 South Park Avenue, Helena, Montana to consider the proposed amendment of the above-stated rules.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Occupational Therapy Practice no later than 5:00 p.m., on June 6, 2008, to advise us of the nature of the accommodation that you need. Please contact Helena Lee, Board of Occupational Therapy Practice, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2385; Montana Relay 1-800-253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; e-mail dlibsdotp@mt.gov.

24.165.404 APPLICATIONS FOR LICENSURE (1) and (2) remain the same.
~~(3) The board shall require the applicant to submit original or certified documents in support of the application. The board shall permit such documents to be withdrawn upon substitution of a true copy.~~

(4) through (8) remain the same but are renumbered (3) through (7).

AUTH: 37-1-131, 37-24-201, 37-24-202, MCA

IMP: 37-1-131, 37-24-302, MCA

REASON: The board is amending this rule to no longer require applicants to submit original documents that can later be substituted for copies. Because the Health Care Licensing Bureau requires shredding of all application files 30 days after being scanned and entered into the File Net database, there would be no documents to retrieve from a hard copy file and the requirement is unnecessary.

24.165.509 APPROVED INSTRUCTION (1) through (3) remain the same.
~~(4) The instructor must be preapproved by the board and shall~~ To be approved by the board, the instructor must submit proof that the instructor:
(a) and (b) remain the same.

AUTH: 37-1-131, 37-24-201, 37-24-202, MCA

IMP: 37-24-105, 37-24-106, 37-24-107, MCA

REASON: In the final notice for MAR Notice No. 24-165-18 published on September 20, 2007, in the Montana Administrative Register issue no. 18, the board acknowledged a comment made that the rule was confusing. The board is now amending this rule to address the confusion in response to the previous comment.

3. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Occupational Therapy Practice, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to dlibsdotp@mt.gov, and must be received no later than 5:00 p.m., June 20, 2008.

4. An electronic copy of this Notice of Public Hearing is available through the department and board's site on the World Wide Web at www.ot.mt.gov. The department strives to make the electronic copy of this Notice conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

5. The Board of Occupational Therapy Practice maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies the person wishes to receive notices regarding all Board of Occupational Therapy Practice administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to the Board of Occupational Therapy Practice, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2305, e-mailed to dlibsdotp@mt.gov, or made by completing a request form at any rules hearing held by the agency.

6. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

7. Anne O'Leary, attorney, has been designated to preside over and conduct this hearing.

BOARD OF OCCUPATIONAL THERAPY
PRACTICE
LYNN YOCUM, OTR, CHAIRPERSON

/s/ DARCEE L. MOE
Darcee L. Moe
Alternate Rule Reviewer

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State May 12, 2008